

REMARKS

At the time of the Final Office Action dated May 14, 2009, claims 1-10 and 31-50 were pending in this application. Claims 11-30 have been cancelled.

Applicants have amended claim 30 to correct a typographical error. Claim 30 has been amended to be Claim 40. Independent Claims 1 and 31 have been amended to overcome the rejections based on 35 U.S.C. § 101.

CLAIMS 1-10 AND 31-40 ARE REJECTED UNDER 35 U.S.C. § 101

On pages 3-6 of the Final Office Action, the Examiner asserted that the claimed invention, as recited in claims 1-10 and 31-40, fails to meet the requirements of 35 U.S.C. § 101. This rejection is respectfully traversed.

Although Applicants disagree with the Examiner's implied assertion that independent claim 1 is not directed to statutory subject matter, independent claim 1 has been amended to recite that the implementing step is executed in memory by a processor of a collaborative computing server and the updating step is performed in an electronic storage medium of a collaborative computing server. As such, at the very least, independent claim 1 is tied to a machine and meets the 'machine or transformation' test described within In re Bilski, 545 F.3d 943 (Fed. Cir. 2008) (en banc).

1 Although Applicants disagree with the Examiner's implied assertion that independent
2 claim 31 is not directed to statutory subject matter, independent claim 31 has been amended to
3 recite that the implementing step is executed in memory by a processor of a collaborative
4 computing server and that the storage medium is an “electronic” computer readable storage
5 medium. Accordingly, the “electronic” computer readable storage medium cannot be a “paper
6 medium” as asserted by the Examiner nor can the electronic programming be executed by a
7 person. The “electronic” computer readable storage medium is a device and, therefore, meets
8 the requirements of 35 U.S.C. § 101.

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10 For the reasons submitted above, Applicants respectfully solicit withdrawal of the imposed
11 rejection of claims 1-10 and 31-40 under 35 U.S.C. § 101.

Applicants respectfully request entry of this Amendment in order to remove 35 U.S.C. § 101 issues for any appeal pursuant to the provisions of 37 C.F.R. § 1.116.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500563, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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